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8 Attorneys for Defendants

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10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13  
14 CENTER FOR BIOLOGICAL DIVERSITY  
and TURTLE ISLAND RESTORATION  
15 NETWORK,

16 Plaintiffs,

17 v.

18 DIRK KEMPTHORNE, Secretary of the  
United States Department of the Interior, and  
19 the UNITED STATES FISH AND  
WILDLIFE SERVICE,

20 Defendants.  
21

No. C 07-5109 PJH

**STIPULATION AND PROPOSED  
ORDER CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE**

22  
23 Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs,  
24 Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk  
25 Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director  
26 of the United States Fish and Wildlife Service.

27 WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive  
28 Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal  
Protection Act, 16 U.S.C. §§ 1361-1421h;

1 WHEREAS, the Initial Case Management Conference in this matter is currently set for April  
2 3, 2008, at 2:30 p.m.;

3 WHEREAS, continuing discussions between the Parties as to settlement of this litigation  
4 have proven productive;

5 WHEREAS, the Parties believe they have reached an agreement in principle at the staff level  
6 on the terms and language of a settlement;

7 WHEREAS, the determination to enter into any settlement, and on what terms, is ultimately  
8 subject to the review and approval of the appropriate supervisory officials at the Department of  
9 Justice and the Department of the Interior, and Federal Defendants need additional time to obtain  
10 the necessary review and approval for the proposed settlement;

11 WHEREAS, the Initial Case Management Conference has previously been continued three  
12 times, on stipulation, and the continuances total 75 days;

13 NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

- 14 1. A further two-week continuance of the Initial Case Management Conference is necessary  
15 to allow sufficient time for review of the proposed settlement by the appropriate supervisory  
16 officials at the Department of Justice and the Department of the Interior.
- 17 2. The Initial Case Management Conference shall be continued to April 17, 2008, at 2:30 p.m.

18  
19 Dated: March 27, 2008

Respectfully Submitted,

21 /s/ Miyoko Sakashita  
22 Miyoko Sakashita  
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2 /s/ Lawson E. Fite

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14 Attorneys for Defendants

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL  
DIVERSITY,

Plaintiff,

v.

DIRK KEMPTHORNE, et al.,

Defendants.

No. C 07-05109 PJH

**CERTIFICATE OF SERVICE**

I hereby certify that on March 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Lawson E. Fite  
LAWSON E. FITE